

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-80777-CV-MIDDLEBROOKS

GARFIELD SPENCE,

Plaintiff,

v.

SHOPPES AT BOYNTON, LLC.,

Defendant.

**ORDER GRANTING JOINT MOTION FOR COURT APPROVAL, ADOPTION, AND
ENTRY OF THE CONSENT DECREE**

THIS CAUSE comes before the Court upon the Parties' Joint Motion for Court Approval, Adoption, and Entry of the Consent Decree, filed on May 26, 2023. (DE 7). The Parties explain that they have settled this matter and request that the Court retain jurisdiction to enforce the Consent Decree. (*Id.* ¶¶ 2-3).

The Parties do not specify in the motion or consent decree whether this matter should be dismissed with or without prejudice. However, the Parties' submitted a proposed order to the Court's CM/ECF e-mail that contained the following proposed language:

This Consent Decree shall be deemed as adjudicating, once and for all, the merits of each and every claim, matter, and issue that was alleged, or could have been alleged by Plaintiff based on, or arising out of, or in connection with, the allegations in the Complaint. Res judicata and collateral estoppel shall apply to each and every such claim, matter, and issue so that the Plaintiff is barred from again litigating such claims, matters, and issues.

(Proposed Order, ¶ 6). Accordingly, I construe the Parties' Joint Motion as a joint stipulation of dismissal *with* prejudice conditioned on the adoption of the Consent Decree and the retention of

jurisdiction. To the extent that this does not reflect the Parties' intention, they may file a motion to cure the error.

Having reviewed the Motion, Consent Decree, and Proposed Order, it is hereby **ORDERED and ADJUDGED** that

- (1) The Parties' Joint Motion for Court Approval, Adoption, and Entry of the Consent Decree (DE 7) is **GRANTED**.
- (2) The Consent Decree (DE 7-1) is **ADOPTED** in its entirety.
- (3) Pursuant to the Parties' request, the Court will retain jurisdiction to enforce the terms of the Consent Decree for a period of six months.
- (4) The above-styled action is **DISMISSED WITH PREJUDICE**.
- (5) The Clerk of Court shall **CLOSE THIS CASE**.

SIGNED in Chambers in West Palm Beach, Florida, this 31st day of May, 2023.

A handwritten signature in black ink, appearing to read "Donald M. Middlebrooks", written over a horizontal line.

Donald M. Middlebrooks
United States District Judge

Copies to: Counsel of Record